



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

December 20, 1965

Hon. Charles A. Murphy, Director
Texas Aeronautics Commission
204 West Sixteenth Street
Austin, Texas

Opinion No. C-568

**Re: Whether the expenditure of
Items 7, 8 and 9 of the Approp-
riation to the Aeronautics
Commission, as provided in House
Bill 12 of the 59th Legislature,
Regular Session, 1965 (General
Appropriation Act), is subject
to the provisions of House Bill
37, Acts of the 59th Legislature,
Regular Session, 1965, known as
the State Building Construction
Administration Act.**

Dear Mr. Murphy:

You have requested the opinion of this office on whether the expenditure of Items 7, 8 and 9 of the Appropriation to the Aeronautics Commission, as provided in House Bill 12 of the 59th Legislature, Regular Session, 1965 (General Appropriation Act) is subject to the provisions of House Bill 37, Acts of the 59th Legislature, Regular Session, 1965, known as the State Building Construction Administration Act.

Items 7, 8 and 9 of the Appropriation to the Aeronautics Commission, contained in House Bill 12, Acts of the 59th Legislature (General Appropriation Act for the biennium ending August 31, 1967), provide:

**"For the Years Ending
August 31, August 31,
1966 1967**

"7. For hard-surfacing and lighting the landing strip at Falcon State Park, by contract or interagency agreement	\$ 30,000	U.B.
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- "8. For hard-surfacing and lighting the landing strip at Lake Whitney State Park, by contract or inter-agency agreement 30,000 U.B.
- "9. For the acquisition, construction, or maintenance of airstrips, airports, and other air navigational facilities in cooperation with local political subdivisions, communities, persons and the Federal Government 200,000 200,000 & U.B."

The foregoing Items 7 and 8 contemplate airstrip construction on behalf of State agencies. The State Building Construction Act (House Bill 37, 59th Legislature, 1965, codified as Article 678f, Vernon's Civil Statutes), provides that the State Building Commission shall supervise and administer the construction of buildings on behalf of the State. It is the opinion of this office that the airstrips and lighting facilities that are authorized by the foregoing Items 7 and 8 are not "buildings" of the type contemplated by the said State Building Construction Act, and therefore the Aeronautics Commission has the authority to expend the monies appropriated by the aforementioned Items 7 and 8.

With regard to Item 9, supra, Section 4 of the State Building Construction Act contains specific exclusions as to
"(B) State-aided local government projects of any character whatever." It is therefore the opinion of this office that the expenditure of monies appropriated by Item 9 is specifically excluded from the provisions of the State Building Construction Act.

You are therefore advised that monies expended for the construction, repair and improvement of airports, as provided in the above-quoted items of appropriation, are not subject to the provisions of the State Building Construction Act (House Bill 37, 59th Legislature, 1965, codified as Article 678f, Vernon's Civil Statutes).

S U M M A R Y

Expenditure of money by the Aeronautics Commission for the purposes set out in Items 7, 8 and 9 of the appropriation to the Aeronautics Commission is not subject to the provisions of House Bill 37, Acts of the 59th

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Legislature, Regular Session, 1965, known
as the State Building Construction Adminis-
tration Act.

Very truly yours,

WAGGONER CARR
Attorney General



Malcolm L. Quick
Assistant

MLQ:ms

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman
John Banks
Kerns Taylor
George Gray
Grady Chandler

APPROVED FOR THE ATTORNEY GENERAL
By: T. B. Wright